

REMARKS

The present amendment is submitted in response to the Office Action mailed September 28, 2007. Claims 6-20 remain in this application. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Specification Objection

In the Office Action, the Specification was objected to for failing to include section headings. Applicants respectfully decline to add headings as they are not required in accordance with MPEP §608.01(a).

Objections to the Drawings

In the Office Action, the drawings were objected to for failing to comply with 37 CFR 1.21(d) because Figures 1 should be designated by a legend such as - - Prior Art - -. Applicants respectfully request withdrawal of the drawings objection and approval of the enclosed proposed drawing change.

35 U.S.C. §103(a)

Claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,891,854 to Zhang et al (here-after Zhang) in view of applicant's admitted prior art (APA).

With regard to Claim 6, in making the rejection, the Examiner contends that Zhang discloses - ***selecting a compression format for each data stream on the basis of (1) said received commands, and (2) said retrieved coding information, so that the sum of data streams does not exceed said maximum read-out data rate (total bandwidth).***

In support of the Examiner's position, the Examiner directs the Applicants attention to Zhang at Col. 13, lines 65 – Col. 14, lines 1-3).

The Examiner further contends that Zhang discloses – ***sending streaming requests corresponding to said selected compression formats to said data readout device.***

In support of the Examiner's position, the Examiner directs the Applicants attention to Zhang at Col. 14, lines 1 - 24) (multiplexing the new bit rates over the channel).

Independent Claim 1 has been re-written as Independent claim 11 herein to better define Applicant's invention over Zhang. Claim 11 now recites limitations and/or features which are not disclosed by Zhang.

Claim 11 as amended herein recites:

11. (New) An apparatus for streaming real time data from a storage medium containing layered coding formats, the apparatus comprising:

- a) a data readout device
- b) a selection means for selecting compression formats for at least two data streams such that the sum of the data rates of the at least two data streams does not exceed a maximum read-out data rate of the data readout device, said compression formats being selected in accordance with:

i) initiating commands received from one or more applications, wherein said initiating commands initiate at least two data streams stored on said storage medium and further indicate a demanded resolution,

ii) coding format information retrieved from said storage medium, and

iii) a maximum read-out data rate supported by said data readout device

c) means for sending a streaming request corresponding to said selected compression formats for said at least two data streams;

wherein said data readout device is arranged to receive said streaming request from said selection means, to read out data from said storage medium and to output corresponding data streams according to said request. **[Emphasis Added]**

It is respectfully submitted that Zhang does not disclose or suggest – selection means for selecting compression formats for at least two data streams such that the sum of the data rates of the at least two data streams does not exceed a maximum read-out data rate of the data readout device, wherein the selection means is selected in accordance with **three criteria**, namely, (1) initiating commands, (2) coding format information, (3) a maximum read-out data rate supported by said data readout device.

A critical difference between Zhang and the instant invention is that Zhang is directed to adapting the bit-rate of the video streams to the bandwidth of the transmission channel, from the apparatus to a remote application (like a WiFi link), while the invention is directed to a maximum read-out bandwidth of the optical disc reader. More particularly, Zhang discloses how the re-encoding should take place to reduce the bit-rate of the streams to match the maximum bandwidth of the transmission channel. Zhang recites at Col. 13, second full paragraph, “the present

invention focuses on schemes that combine rate conversion with the transmission channel. The combination allows lossless conversion of rate converted bit stream even when the original bit rate and available channel capacity are mismatched”.

In contrast to Zhang, the invention solves the bottleneck problem that occurs right at the read-out from the optical disc. In this case, re-encoding, as performed in Zhang is not a viable option.

Accordingly, claim 1 has been re-written as new claim 11 in the manner described above to explicitly recite that the selection means for selecting a compression format for each data stream is based on **three criteria**, namely, (1) initiating commands, (2) coding format information, and **(3) a maximum read-out data rate supported by said data readout device**.

Accordingly, it is respectfully submitted that claim 11 contains patentable subject matter and allowance thereof is respectfully requested.

New Claims 12 – 16 depend from Claim 11 and therefore include the limitations of Claim 11. Accordingly, for the same reasons given above for Claim 11, Claims 12 - 16 are believed to contain patentable subject matter.

Independent Claim 6, as amended, recites similar subject matter as Claim 11 and therefore contains the limitations of Claim 11. Hence, for at least the same reasons given for Claim 11, Claim 6 is believed to contain patentable subject matter.

Claims 7 – 10 depend from Claim 6 and therefore include the limitations of Claim 7. Accordingly, for the same reasons given above for Claim 6, Claims 7 - 10 are believed

to contain patentable subject matter. Accordingly, withdrawal of the rejections with respect to Claims 7 – 10, and allowance thereof are respectfully requested.

New Claims

New claims 17 – 20 have been added to further distinguish the invention from Zhang. Support for these claims can be found in the specification at pages 6 – 7 and in other places. In particular, claims 17 – 19 are directed to allowing the selection means to make a selection based on additional information, such as, pre-stored priority information. In other words, in those situations, in which the sum of the data streams is higher than some threshold Y, there is a genuine competition of requests, as recited in the specification. One option is for the selection means to use predetermined priority information to decide which data stream is to receive a more favorable compression rate. This can be achieved in one way via tag information, as described in the specification. This priority information could be included as part of the initiating command. Claim 20 is directed to the fact that the instantaneous use of disc resources is dynamically changing and that the data rates change in similar fashion. Hence, the compression formats can react to the dynamic changes and dynamically change in response.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 6 – 20 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



Michael A. Scaturro
Reg. No. 51,356
Attorney for Applicant

Mailing Address:
Intellectual Property Counsel
Philips Electronics North America Corp.
P.O. Box 3001
345 Scarborough Road
Briarcliff Manor, New York 10510-8001